

1907-037 Chancery Causes: Zaphria Russell vs. Rando L. Russell
Lee Co.

Anderson, Nesbitt

CA-Divorce
7-Property
Migration

To the Hon. H.A.W.Skeen, Judge of the Circuit Court of Lee County.

Humbly complaining, Your oratrix, Zaphria Russel, would respectfully show and allege unto your Honor that _____

1. She resides in Lee County, Virginia, and has been domiciled in this State and County, more than one year next preceeding the institution of this suit.

2. On the _____ day of _____ 1903 your oratrix, was married to one Rando L. Russel, with whom she lived and cohabited as husband and wife, until the _____ day of March, 1904, when he left her saying that he was going to some of the upper Counties of this state and buy a farm, that they might live on the same; that at the time he left her, for the pretended purpose aforesaid he had or claimed to have \$1500, in money, and some furniture which he left with and at the home of his father, George W. Russell, on Sugar Run, in this County; that after leaving her as aforesaid he went and traveled to various places, cities and states, once and awhile writing to her; that at the time he left your oratrix, she was enciente by him, and on the _____ day of _____, there was born to them one child, which was named _____; that two or three times after he left her he sent her a little money, the last of which he sent her was \$25.00, in September, 1904; that the last time she ever heard of him was through a letter written to her by him from St. Louis, Missouri, in December, 1904.

And your oratrix will further show unto your Honor that the said Rando L. Russell, on the _____ day of March, 1904, wilfully abandoned and deserted her without any legal cause or excuse, and is still away from your oratrix.

Your oratrix will further represent that she is poor and without any means to support herself and child, and to prosecute this suit, and that said defendant is abundantly able to supply all the necessities and wants of your oratrix and her child, but wholly neglects and refuses to do so, and she is now compelled to live with and receive assistance

from her sister and brother-in-law; but as before stated, all the property known to your oratrix belonging to said defendant in this State is a little furniture worth perhaps as much as \$50.00.

Your oratrix believes and charges, that since defendant has taken all his effects away from this State, except said furniture, ~~he~~ will take away, or in some way dispose of it, to prevent ^{her} from getting anything; and that being the case, he should be restrained from disposing of said furniture and the same attached until the hearing of this case.

Your oratrix will further represent unto your Honor that said Rando L. Russel, is a Non-resident of this State.

Forasmuch, therefore, as your oratrix is without remedy in the premises, save in a court of Equity, her prayer is that the said Rando L. Russell, who is made a party defendant to this bill, may be required to answer the same, but not on oath, as that is waived; that he be restrained and enjoined from interfering with or molesting your oratrix and her said child; that your oratrix may be divorced from the said Rando L. Russell, a mensa et thoro; that if he shall answer this bill ^{he} specifically answer what money and effects he owns and where the same is situated, whether any money is owing to him, and if so from whom and the amount thereof; that he be required, (pending this suit) ^{and} be compelled ^{to pay} such sums of money as temporary alimony, as may be sufficient for her support, and such other sums as may be necessary to pay the costs in this case and fees of counsel; that he be compelled to make permanent provision for her support as is suited to her station and condition in life; and that all other and general relief be awarded your oratrix as ^{may} be just and right in the premises.

And she will ever pray and etc.

E. H. Pennington

Zaphria Russell

vs } Bell

Russell L. Russell

1906 2nd April Rules

Bill filed & Contd
for D.P.

" 1st May Rules

D.P. completed
& cause set for
hearing.

Costs:

Clerk \$6.16

Shff. 0.00

Atty. 15.00

W.K. Hopkins Com. 2.00
\$23.16

Costs:

Clerk \$5.70

atty. 15.00

Comm. 2.00

Printer 6.80

\$29.50

Esti. 2.00

\$31.50

Zaphrie Russell, *Complainant*

Vs.

In Chancery.

Randolph L. Russell, *Defendant*

This cause came on this day to be heard upon the papers formerly
read therein, the depositions of witnesses and the decree of this
Court entered herein on the 23rd day of May, 1906, and was argued by
Counsel.

On consideration of all which and it appearing to the Court that
said defendant has ~~unlawfully~~ *unlawfully* and *wilfully* abandoned the said ~~coun-~~
complainant ~~sil~~ for a period of more than three years, and still lives away and
apart from her, and still refuses to support and maintain her, it is
therefore adjudged ordered and decreed that she be and is hereby for-
ever divorced from the said defendant and the said defendant from her,
and that the bonds of matrimony heretofore existing between them be
and the same are hereby forever annulled. And this cause is stricken
from the docket.

Zaphria Russell

vs } scene
final

Rando L. Russell

Entered in C.O.B.
#8, page 284

Enter this
May 20th 1905
H.A.W. Sizer

Zaphria Russell, Complainant

vs In Chancery

Rando L .Russell Defendant.

This cause, in which the plaintiff appears to have proceeded against the said defendant, Rando L Russell; who is a non-resident of this State, in the manner prescribed by law against absent defendants, and he still failing to appear, and answer, this cause came on this the ^{of} 2nd day of May, 1906, to be heard upon the bill ~~the~~ complainant, and the depositions of witnesses, and was argued by counsel. On consideration of whereof the court doth adjudge, order and decree that the plaintiff Zaphria Russell, be divorced a mensa et thoro from her husband, the said Rando L Russell, and he from her; that the said Zaphria have the possession, control, care and management of Lounette Russell, the infant child of said parties, without interference from the said Rando L. Russell; that the said Zaphria Russell recover from the said Rando L Russell the costs of this suit to be taxed by the clerk of this court, and she may have execution for the same. And this cause is continued.

Zaphria Russell

vs. Steele

Russell L. Russell

Entered in C.C. #
#8 page 164

Enter this
'May 2nd 1906
H. A. W. Steele

Zaphiar Russell, Complainant,

Vs.

Rando L. Russell, Defendant.

The depositions of Zaph^{ria} Russell, and John W. Anderson, taken before me, W.K. Hopkins, a commissioner in Chancery for the Circuit Court for Lee County, Virginia, at the law office ~~XXXXXXXXXXXXXXXXXXXX~~ E.W. Pennington, in the town of Pennington Gap, in Lee County, Virginia, on the 10th day of May, 1906, to be read as evidence in behalf of Zaph^{ria} Russell, in a certain suit in equity depending in the Circuit Court for Lee County, Virginia, wherein the said Zaph^{ria} Russell is complainant and said Rando L. Russell is defendant.

Present E.W. Pennington, attorney for the said Plaintiff.

" No one for the defendant.

~~XXXXXXXXXXXX~~

Zaph^{ria} Russell, a witness after being duly sworn, deposes as follows:

Q.1. Give your name, age and residence.

Ans. My name is Zaph^{ria} Russell; I am 24 years old, and live in Lee County, Virginia, at Pennington Gap,

Q.2. How long have you been a resident of Lee County, Virginia?

Ans. I have lived in Pennington Gap, Lee County, Virginia, for about nine years, except abt five months of the time. The five months I speak about, I lived in Cincinnati. I have been domiciled and living in Pennington Gap, continuously since I came back from Cincinnati. I came back from there about March, 1st, 1904. I have made my home in Pennington since that date.

Q.3. When were you and Rando L. Russell married to each other, if you were ever married to one another?

Ans. We married on the 17th day of September, 1903; we were married to each other at Pennington Gap, in Lee County, Virginia.

Q.4. Does your husband Rando L. Russell now live with you, and furnish you support and maintainance?

Ans. Ho, sir; he does not.

Qes. 5. When did he leave you, and from what place did he leave you; that is, if he left you, and not you left him?

Ans. He left me from Pennington Gap, Lee county, Virginia, first about the ~~xxxx~~ of April, 1904. He has never been back to see me, since he left me, in April, 1904.

Qes. 6. What did he say to you if any thing, when he left you, as to where he was going and for what purpose?

Ans. He told me he was going to Tazewell County, Virginia, to buy a farm; and if he did not find any thing there, he would probably go into the Valley of Virginia, and buy one. He told me I could come to him, if he bought.

Ques. 7. ~~XXXX~~ State whether he kept a correspondence with you after he left you in March, 1904; if so for how long; and whether he furnished you money, to live on after he left you?

Ans. We corresponded from the time he left me, until in December, 1904. I received a letter, dated December, 25th, 1904, mailed at Chicago, Ill.; and then a day or so after that I received a note from him, which purported to be written from St. Louis, Mo. This was the last time I ever heard from him. He sent me some money along until on the 17th day of September, 1904; he sent me at that time \$25.00; this was the last money he ever sent me.

Ques. 8. Since your husband left in April, 1904, where have you been making your home?

Ans. I have been making my home in Pennington Gap, with my sister and brother-in-law, Mr. and Mrs. J. W. Anderson.

Ques. 9. Has your husband kept you money enough to meet your needs and requirements since ^{he} ~~xxx~~ left you?

Ans. He has not since the last money he sent me as above stated.

Ques. 10. Were there any children born to yours and his marriage? If so, how many, and how old, and date of birth?

Ans. There was one girl child born to our marriage; it was

born on the 24th day of July, 1904. It is still living, and is named Lounette.

Ques. 11. Has your husband every seen his little girl?

Ans. No.

Ques. 12. How have you been managing to live since your husband quit furnishing you money to go on?

Ans. My said brother-in-law and sister have kept me up.

Ques. 13. Do they alos provide for your child?

Ans. Yes, sir.

Ques. 14. Have you any money, or property of your own?

Ans. I have a little money; perhaps as much as fifty dollars. I have no property.

Ques. 15. How did you and your husband get along while you and he were living together?

Ans. We got along all right; we never had a cross word in our life. He seemed to love and care for me; I did not think when he left me April, 1904, he was leaving me for good.

Ques. 16. What property or money did your husband have at the time he left you, if you know?

Ans. I don't know of any thing he had except some money, which as I understood he had in a bank at Cincinnati. I don't know how much he had; but I understood that his father sent him while we were living there something over \$900.00. I think he had some out side of what his father sent him. I understand also, that he has a little furniture at his father's, Mr. George W. Russell, in this County. It was there the last I knew of it. It was furniture we had in Cincinnati. It consisted of a bedstead, dresser, wash-stand, dining room tattle, some chairs, and a stove, and perhaps some other little things.

Ques. 17. Do you know where said Rando L. Russell is? now.

Ans. I do not; I had an idea that he was in Chicago, Ill., so I wrote to the Mayor of that City, asking about him, and a few days ago, I received a letter, which purports to be signed by the secre-

tary of the Mayor of said city.

Ques. 17. Have you ever written to Rando L. Russell, since you got your last letter from him? If so, how often, and to what address did you write him?

Ans. I have written him twice since I received my last letter from him at Chicago, Ill., but I never got any reply from him; nor was my letters returned to me. There was a return request on my last later to him; and I don't remember whether there was such on the one next before the last. I have been domiciled in Lee County, Virginia, for more than a year next preceeding the institution of this suit; and Rando L. Russell and Myself last lived and cohabited together in this county.

And further this deponent saith not.

Zaphria Russell,

John W. Anderson another witness after being duly sworn, deposes as follows:

Ques. Q. Give your name, age, residence and occupation.

Ans. My name is John W. Anderson; I am 37 years old; reside in Pennington Gap, Lee County, Virginia, and am a merchant by occupation.

Ques. 2. Do you know Zaphria Russell and Rando L. Russell?

Ans. I do. I have known Zaphria about nine years and Rando about twelve years.

Ques. 3. What relation re you to Zaphria Russell?

Ans. She is a sister to my wife.

Ques. 4. Where does Zaphria Rusell live, and how long has she been so living?

Ans. She lives at my house and has been making my house her home for about nine years, with the exception of about five months, that she and her husband lived in Cincinnati. She is now living at my house, in Pennington Gap Virginia, and has been since her husband left her in April, 1904, as I remeber. He came back from Cincinnati, with his wife, and left her at my

house in Pennington Gap, saying that he was going up some where in Virginia to buy some land, and said when he bought he was going to send for his wife, and they would then go to house-keeping. I have never seen him since he left. Since he left his wife has been living at my house as one of the family; she has been paying any thing for me to keep her, and her child.

Ques. 5. What would it take in your opinion to support and maintain Mrs. Zaphria Russell and her child, according to her station in life?

Ans. It would take \$20.00 to \$25.00 per month to board and clothe both of them, I would think.

Ques. Has said Rando L. Russell furnished his wife and child any thing to live on for the last year or more, that you know of?

Ans. He has not. If he had have done so, I think I would have known about it.

Ques. 6. How long, next preceeding the institution of this suit has zaphria Russell been domiciled and living in Pennington Gap, Lee County, Virginia.

Ans. She came from Cincinnati, Ohio, about the first of March, 1904, and been living and domiciled at my house, in Pennington Gap, Lee County, Virginia, ever since. They last cohabited to gether as man and wife, that is lived together at my house in Pennington Gap.

Ques. 7. Do you know where said Rando L. Russell now is?

Ans. I do not. I have enquired about his whereabouts from his relatives, but they would always tell me, they did not know where he was.

Ques. 7. Did you know of any troubles between said Russell and his wife, that would cause him to leave her?

Ans. No.

And further this deponent saith not.

John W. Anderson

Mrs. Rosa Nesbitt a witness of lawful age after being duly sworn, deposes as follows, to-wit:

Q. 1. Give your name, and residence?

Ans. My name is Rosa Nesbitt, and I reside in Pennington Gap, Lee County, Virginia.

Q.2. Do you know Zabria Russell, and if so long how long have you known her?

Ans. I do know Mrs. Russell, I think I have known her something like six or seven years.

Q.3. If you know, state where Mrs. Russell has been making her home for last two years.

Ans. She has been living with her brother in-law John W. Anderson, in Pennington Gap.

Q.4 How near have you lived to Mr. Anderson's for the last two years?

Ans. I live in a house adjoining to that of MR, Anderson, I dont suppose our doors or more than thirty or forty feet from each other.

Q.5. Did you know Rando L. Russell, the husband of Mrs. Russell?

Ans. I knew him when I saw him, but had no special acquaintance with him.

Q.6 . How long do you suppose it has been since you have seen Rando L. Russell, with his wife?

Ans. It has been about two yeras ago last March, 1904.

Q.7. If you know, state what is the genral opinioin of the neighborhood in which Mrs. Russell has lived for the last two or three years, as to the kind of lady she is?

ANs. The opinion of the neighborhood is that she is a perfect lady, and that is my opinion also.

Q.8 State whether Mrs. Russell is considered by those who know her to be a quiet lady or a quarrelsome one?

Ans. She is considered to be a quiet lady.

Q.9. Since you have known Mrs. Russell do you know or have you ever heard anything derogatory to her character?

Ans. No sir I have not.

Q. 10. Had her husband been living with her at Mr. Andersons for the last two years, do you not think owing to your approximity to them you would have known of it?

Ans. I never have seen him there and if he had been I think I would have seen him.

Q. And further this deponent saith not.

Rosalind R Nesbitt

Virginia,

Lee County., to-wit:

I, W. K. Hopkins a commissioner in Chancery for the Circuit Court of Lee County, Virginia, do hereby certify that the depositions aforesaid of Zaphria Russell, John W. Anderson, and Rosalind Nesbitt, were duly taken sworn to and subscribed before me at the time and place and for the purpose in the caption heretomentioned.

Given under my hand this the 10th day of May, 1906.

W K Hopkins
Commissioner

Gaphria Russell

vs } Depositions

Rand L. Russell

Filed May 11, 1906.

J. H. T. C. King,
Clerk.

Commissioner's fee \$2.00

Virginia, Lee County, to-wit:

This day Zaphria Russell appeared in person before me, a justice of the peace, in and for the county and State aforesaid, and made oath that Rando L. Russell, against whom he is about to institute a suit in equity in the circuit court of the said county of Lee, is a non-resident of this commonwealth.

Given under my hand, this 11th day of Apr, 1906.

J. J. Yeary, J. P.

Filed Apr. 12, 1906

S. C. Fawcett, Clerk.

Virginia

Circuit Court for Lee County, to-wit:

In vacation, April 12th, 1906.

Zaphy~~ra~~ Russell

Plaintiff

vs

In Chancery

Rando L. Russell

Defendant.

The object of this suit is to obtain a divorce a mensa et thoro from Rando L. Russell, and procure a judgment for both temporary and permanent alimony against him and suit money in this cause. And affidavit having been made ^{and filed} that the ~~said~~ defendant, Rando L. Russell, is not a resident of this State, the said defendant is required to appear, within fifteen days after due publication of this order, at the next term of the Circuit ^{Court} for Lee County, beginning ~~on~~ the 3rd Monday in May, 1906, and do what is necessary to protect his interests. And it is ordered that a copy of this order be forthwith published once a week, for four successive weeks, in the ^{Jonesville} Star, a newspaper printed in the town of Jonesville, in the county of Lee, and be posted at the front door of the courthouse of said county, on or before the next rule day after the date of this order.

A copy.

Teste:

E. H. Pennington, Esq.

H. C. Fearing, Clerk.
By M. E. Hanahy D.C.

Gaphria Russell

vs { Order of
Publication

Rando L. Russell.

Virginia Lee County, to-wit:

I, S. H. T. Ewing, Clerk of
The Circuit Court for the
County aforesaid, in the
State of Virginia, do certify
That I posted a true
copy of the within order
of publication at the
front door of the Court-
house of this County,
on this day.

Given under my hand
This the 12th day of
April, 1906.

S. H. T. Ewing, clk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Rando L. Russell

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the 3rd Monday in April, 1906, to answer a bill in chancery exhibited against him
by Gaphria Russell

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 12th
day of April, 1906, and 1 30th year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Gaphria Russell

VS

}

SUBPOENA
IN
CHANCERY.

Rando L. Russell,

E. W. Huntington p. q

To 2nd April Rules.

Lee Circuit Court.

1906

Order of Publication

VIRGINIA,

Circuit Court for Lee County, to-wit:

In vacation, April 12th, 1906.

ZAPHRIA RUSSELL, Plaintiff,

vs.

RANDO L. RUSSELL, Defendant.

In Chancery

The object of this suit is to obtain a divorce a mensa et thoro from Rando L. Russell, and procure a judgment for both temporary and permanent alimony against him and suit money in this case. And an affidavit having been made and filed that the defendant, Rando L. Russell, is not a resident of this State, the said defendant is required to appear, within fifteen days after due publication of this order, at the next term of the Circuit Court for Lee County, beginning on the 3rd Monday in May, 1906, and do what is necessary to protect his interests. And it is ordered that a copy of this order be forthwith published once a week, for four successive weeks, in the Jonesvill Star, a newspaper printed in the town of Jonesville, in the County of Lee, and be posted at the front door of the courthouse of said County, on or before the next rule day after the date of this order.

A copy--Teste:

H. C. T. EWING, Clerk

By M. E. FLANARY, D. C.

E. W. PENNINGTON, p. q.

-----Zaphria Russell-----

vs {-----In Chancery-----

-----Rando L. Russell-----

§

I,-----J. C. Boatright-----, editor
of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 12th
day of April-----1906---

J. C. Boatright-----, Editor.

FEE \$-6.80---

*Print by
Zaphria Russell*

Zaphria Russell

vs. ~~Bill~~

Rando L. Russell

E. H. Dunnington

